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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b) |) | MM Docket No. 96-215 |
| Table of Allotments, |) | RM-8898 |
| FM Broadcast Stations |) | |
| (Anamosa and Asbury, Iowa) |) | |

To: The Chief, Allocations Branch

COMMENTS IN SUPPORT OF ALLOCATION

Comes now Philip T. Kelly ("Kelly"), pursuant to Section 1.415 of the Commission's Rules, and submits the following "*Comments in Support of Allocation*" in response to the *Notice of Proposed Rule Making* in the above-captioned proceeding 1/.

The *Notice* proposed to amend the FM Table of Allotments, Section 73.202(b) of the

1/ The *Notice* was released October 25, 1996. FCC DA 96-1741. The NPRM specified "[i]nterested parties may file comments on or before December 16, 1996, and reply comments on or before December 31, 1996". A subsequent Public Notice, Report No. 2172, released January 14, 1997, announced the acceptance of a counterproposal for Channel 238A at Asbury, Iowa, and established January 29, 1997, as the date for reply comments. Thus, the instant comments are timely filed.

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Commission's Rules, by allocating FM Channel 239A to Anamosa, Iowa, as that community's first local FM service. The Notice of Proposed Rule Making was adopted in response to a *Petition for Rule Making* filed by Susan I. Coloff. A counterproposal was filed by Sports America Radio Network proposing the allocation of Channel 238A to Asbury, Iowa as that community's second local FM service.

**ANAMOSA SHOULD BE PREFERRED OVER ASBURY
FOR THE ALLOCATION**

In accordance with the allotment criteria set forth in Revision of FM Policies and Procedures, 90 FCC2d 88, 51 RR2d 807 (1982), *recon. denied* 56 RR2d 448 (1984), conflicting proposals are weighed as follows:

- (1) First full-time aural service;
 - (2) second full-time aural service;
 - (3) first local service;
 - (4) other public interest matters.
- [(Co-equal weight given to priorities (2) and (3).)]

The allotment of Channel 239A to Anamosa, Iowa, would be weighed under Priority #3 as it would represent the first local service to the community of Anamosa, Iowa 2/, whereas the allotment of Channel 238A to Asbury, Iowa, would be weighed under

2/ Station KLEH(AM), a daytime-only station at Anamosa, Iowa, has been silent for several years.

Priority #4, Other Public Interest Matters, because it would represent a second local FM service to Asbury 3/.

Moreover, Anamosa, Iowa (population 5,100), is more than twice the size of Asbury, Iowa (population 2,013) 4/. Even if afforded equal weight under Priority #3, Anamosa is still the clear "winner" as the more populous of the two communities. See Athens and Atlanta, Illinois, 11 FCC Rcd 3445 (1996) and Blanchard, Louisiana and Stephens, Arkansas, 8 FCC Rcd 7083 (1993). See also Obion and Tiptonville, Tennessee, 7 FCC Rcd 2644 (1992) (first local service awarded to community with larger population instead of location where the service contour would encompass more people).

As such, the allotment of Channel 239A to Anamosa, Iowa, must be preferred over the allotment of Channel 238A to Asbury, Iowa.

EXPRESSION OF INTEREST

As noted above, Kelly hereby expresses his support for the allocation of Channel 239A at Anamosa, Iowa, and will, upon adoption of a Report and Order allocating Channel 239A to Anamosa, file an application for a construction permit for a new station at Anamosa. If granted, Kelly, or an entity in which Kelly is involved, will construct and operate a new FM station at Anamosa, Iowa.

3/ Station KIKR(FM), Channel 277C3, is licensed to Asbury, Iowa.

4/ Population figures from the 1990 United States census.

CONCLUSION

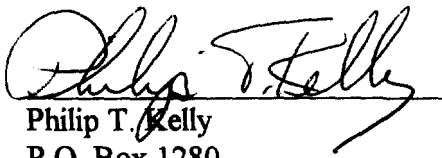
Based on the foregoing, we respectfully request that this proposal be adopted and the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, be amended to include the allotment of Channel 239A at Anamosa, Iowa.

VERIFICATION

In accordance with Section 1.52 of the Commission's Rules, I, Philip T. Kelly, certify that I have examined the foregoing "Comments in Support of Allocation" at that they are true and correct to the best of my knowledge and belief.

Respectfully submitted,

PHILIP T. KELLY


Philip T. Kelly
P.O. Box 1280
Dubuque, IA 52004

January 28, 1997

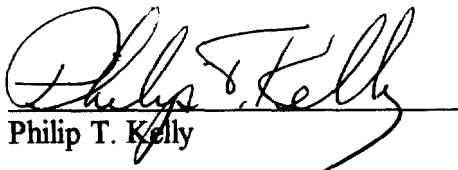
CERTIFICATE OF SERVICE

I, Philip T. Kelly, certify that I have this 28th day of January, 1997, sent by regular United States mail, postage prepaid, a copy of the foregoing "Comments in Support of Allocation" to the following:

Mr. John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
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Eugene T. Smith
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(Counsel for Sports America Radio Network)

Susan I. Coloff
506 North Clark
Forest City, IA 50436
(Petitioner for Anamosa, IA)


Philip T. Kelly